

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

RIVERA-RODRIGUEZ

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CRIMINAL ACTION

NO. 09-459

ORDER

AND NOW, this 3rd day of August 2022, **IT IS HEREBY ORDERED AND DECREED** that Defendant's Motion to Correct Sentence Under 28 U.S.C. § 2255 (ECF No. 47) is **DENIED**.¹

IT IS FURTHER ORDERED that Defendant's Motion for Immediate Dismissal (ECF No. 52) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.

¹ Defendant previously filed a § 2255 motion, which this Court denied. *See* ECF No. 39. The Third Circuit Court of Appeals denied Defendant's application for leave to file a second or successive motion under § 2255. *See* ECF No. 48. Defendant's briefing relies on the Supreme Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015), but the Third Circuit determined that *Johnson* does not apply to the case at bar. Without authorization from the Third Circuit, this Court may not consider the instant § 2255 motion.